

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY ACCRA

AMEMBASSY PORT OF SPAIN

AMEMBASSY NAIROBI

AMEMBASSY VALLETTA

AMEMBASSY WELLINGTON

AMEMBASSY TOKYO

AMEMBASSY MADRID

AMEMBASSY OTTAWA

UNCLAS STATE 070710

FOLLOWING SENT ACTION SECSTATE APRIL 7, FROM USUNNY
REPEATED TO YOU QUOTE:

UNCLAS USUN 1264

E. O. 11652 N/ A

TAGS: PBOR, UN

SUBJECT: LOS: WORKING GROUP 2 OF SUBCOMMITTEE III,
15 TH MEETING, APRIL 5, 1973

1. SUMMARY: MEETING DEVOTED MAINLY TO CONSIDERATION OF
U. S. PAPER ON COMPETENCE TO ESTABLISH STANDARDS FOR CONTROL
OF VESSEL SOURCE POLLUTION AND TO A LESSER EXTENT ON
CNADIAN WORKING PAPER: PREVENTION OF POLLUTION FROM
SHIPS (A/ AC.138/ S. C. III/ L.37).

2. GHANA FAVORED INTERNAIIIONAL STANDARDS AS MUCH AS
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POSSIBLE BUT COASTAL STATES SHOULD BE ABLE TO INVOKE STRICTER MEASURES. THEY COULD NOT ACCEPT U. S. PROPOSAL FOR EXCLUSIVELY INTERNATIONAL STANDARDS. THEY NOTED THAT THE DRAFT IMCO CONVENTION PROVIDES FOR STATES HAVING STRICTER MEASURES WITHIN THEIR JURISDICTION.

3. TRINIDAD AND TOBAGO THOUGHT U. S. PAPER WAS WELL THOUGHT OUT BUT THEY COULD NOT ACCEPT EXCLUSIVELY INTERNATIONAL STANDARDS. MEASURES SET BY MAJOR MARITIME POWERS MAY NOT BE MET BY LDC'S. COMMON STANDARDS ARE IMPRACTICAL FOR NOW. THE U. S. PAPER SETS FORTH GOALS FOR STATES TO MEET.

4. KENYA AGREED THAT NO COASTAL STATE COULD ALONE PROTECT ITSELF FROM MARINE POLLUTION BUT THE COASTAL STATE MUST BE ABLE TO TAKE MEASURES TO PROTECT ITSELF. COASTAL STATE STANDARDS NEED NOT INTERFERE WITH NAVIGATION (WHICH NO STATE INTENDS TO DO).

5. EGYPT FAVORED COASTAL STATE SETTING STANDARDS AS A RESIDUAL AUTHORITY IF THERE ARE NO INTERNATIONAL STANDARDS OR IF THE INTERNATIONAL STANDARDS ARE INADEQUATE.

6. SWEDEN HOPED TO PRESENT THEIR VIEWS ON ISSUES RAISED IN U. S. PAPER IN GENEVA.

7. MALTA THOUGHT THAT NEITHER EXCLUSIVELY INTERNATIONAL STANDARDS NOR RESIDUAL COASTAL STATE STANDARDS ARE PERFECT. LOOK TO GIVE AND TAKE IN GENEVA. INTERNATIONAL STANDARDS NEED TO BE ESTABLISHED AND ENFORCED. WHILE SUCH STANDARDS MAY NOT SATISFY COASTAL STATE THE COASTAL STATE STANDARDS MUST BE IN SPIRIT OF INTERNATIONAL STANDARDS. IF THERE ARE DISPUTES, REFERENCE SHOULD BE TO THE INTERNATIONAL INSTITUTION WHICH PROVIDES THE BALANCING ELEMENT.

8. NEW ZEALAND COULD NOT ACCEPT EXCLUSIVELY INTERNATIONAL STANDARDS. NEED COASTAL STATE RIGHTS TO DEAL WITH LOCAL CONDITIONS NOT REFLECTED IN INTERNATIONAL STANDARDS.

9. JAPAN EXPRESSED SYMPATHY AND SUPPORT FOR U. S. PAPER. NEED UNIFORM INTERNATIONAL STANDARDS. IMCO DOING USEFUL WORK. COASTAL STATE STANDARDS WOULD HAMPER NAVIGATION.
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10. SPAIN THOUGHT EXCLUSIVELY INTERNATIONAL STANDARDS ARE UTOPIAN AND INAPPROPRIATE. WITH RESPECT TO FREE NAVIGATION AND POLLUTION CONTROL, HE SUPPORTED FREE NAVIGATION ON HIGH SEAS BUT NOT IN TERRITORIAL SEA.

11. CANADA INTRODUCED WORKING PAPER (PARA1), WHICH CONTAINS EXCERPTS (ARTICLES 4 PENALTIES / VIOLATION) AND 8 POWER OF CONTRACTING STATES) FROM DRAFT 1973 IMCO CONVENTION FOR PREVENTION OF POLLUTION FROM SHIPS. HE THOUGHT IT IMPORTANT TO ENSURE GOVERNMENTS COORDINATE IMCO AND LOS CONFERENCES IN TERMS OF POSITIONS AND PERSONNEL (NEW ZEALAND AGREED).

12. U. S. WILL CONSIDER REMARKS OF OTHER DELEGATIONS RE WORKING PAPER. NOTED THAT CANADIAN PAPER HELPFUL AND ESPECIALLY AGREED WITH FOOTNOTE 9 TO ARTICLE 4. " ANY CONTRACTING STATE MAY CAUSE PROCEEDINGS TO BE TAKEN WHEN ANY SHIP TO WHICH THE PRESENT CONVENTION APPLIES ENTERS ITS PORTS OR OFF- SHORE TERMINALS, IN RESPECT OF ANY VIOLATION BY THAT SHIP, OR ITS OWNER OR MASTER, OF THE REQUIREMENTS OF THE CONVENTION. WHEREVER THE VIOLATION OCCURRED, PROVIDED, HOWEVER, THAT SUCH PROCEEDINGS ARE COMMENCED NO LATER THAN (THREE) YEARS AFTER THE VIOLATION OCCURRED..." FOOTNOTE WOULD YIELD MORE EFFECTIVE ENFORCEMENT OF INTERNATIONAL STANDARDS AND WOULD NOT INTERFERE WITH MARITIME RIGHTS. IT IS CLEAR EXAMPLE OF CLASSIC CONCEPTS BEING MERGED WITH NEW CONCEPTS WITHOUT CAUSING DIFFICULT PROBLEMS. PHILLIPS UNQUOTE ROGERS

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